IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 22402 of 2007(P)

PETITIONER:

THE MANAGER (SR.CLERISA),
CONGREGATION OF HOLY FAMILY,
HOLY FAMILY PUBLIC SCHOOL,
MARIA, THRESIA NAGER, CHITTUR- 689 663,
VAYYATTUPUZHA P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, PATHANAMTHITTA.

4. COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE EXAMINATIONS, (INDIAN CERTIFICATE OF SECONDARY EXAMINATION), I.C.S.E., PRAGATI HOUSE, 3RD FLOOR, NEHRU PLACE, NEW DELHI-110019, REPRESENTED BY ITS CHEIF EXECUTIVE AND SECRETARY.

BY R1 TO R3- BY G.P.SRI. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.22402/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE RELEVANT PAGES OF THE BYELAWS/REGULATIONS ISSUED BY R4.

EXT.P2 COPY OF THE APPLICATION DTD 26.6.07 SUBMITTED BY THE PETITIONER BEFORE R1.

EXT.P3 COPY OF THE COMMUNICATION DTD 30.3.2006 SENT BY R3 TO R2.

EXT.P4 COPY OF THE REPORT OF THE R3 SENT ALONG WITH THE APPLICATION.

EXT.P5 COPY OF THE CHALAN RECEIPT EVIDENCING PAYMENT OF RS.25,000/=.

EXT.P6 COPY OF THE RESOLUTION DTD 19.7.06 PASSED BY THE CHITTAR GRAMA PANCHAYAT.

EXT.P7 COPY OF THE REPRESENTATIN DTD 16.6.07 SUBMITTED BY THE PARENTS OF THE STUDENTS STUDYING IN THE SCHOOL.

EXT.P8 COPY OF THE REPRESENTATION DTD 26.6.07 SUBMITTED BY THE TEACHERS IN THE SCHOOL.

EXT.P9 COPY OF THE REPRESENTATION DTD 26..6.07 SUBMITTED BY THE PRINCIPAL OF THE SCHOOL.

EXT.P10 COPY OF THE ORDER G.O.(p)nO.107/07/G.EDN DTD 13.6.07 ISSUED BY THE GOVERNMENT.

/TRUE COPY/

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ANTONY DOMINIC, J.

W.P.(C).NO.22402 OF 2007-P

Dated this the 25th day of September, 2007.

JUDGMENT

This writ petition is filed seeking an order quashing Ext.P10 to the extent it refuses to consider the application for grant of NOC by the State Government. The petitioner wants to seek affiliation under the I.C.S.E and for this purpose, has submitted Ext.P2 application to the 1st respondent for granting NOC, which was refused to be considered in view of Ext.P10 Government Order dated 13.6.2007. Ext.P10 provided that consideration of the application for NOC will be limited to the districts mentioned in Clause 2 (2) thereof. In this background, the present writ petition is filed for the relief mentioned above.

2. The counsel for the writ petitioner has pointed out the judgment of this Court in W.P.(C) No.7611/2007 and connected cases. Those cases were disposed of by a common judgment dated 14.9.2007 holding that Ext.P10 to the extent it refuses to consider the application for grant of NOC is illegal, arbitrary and unjust. In view of the judgment referred to above, this Writ petition

deserves to be allowed.

Accordingly, quashing Ext.P10 to the extent it refuses to consider the request of the petitioner to grant NOC, this writ petition is disposed of. The respondents will consider Ext.P2 application of the petitioner in accordance with law. Orders on Ext.P2 shall be passed within one month from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE.

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